

## *Summary*

### **ASDWA Board-EPA Regional Drinking Water Branch Chiefs Call March 3, 2014**

	<u>States</u>	<u>Regions</u>
Region I	Lori Mathieu, CT	Jane Downing
Region II	Karen Fell, NJ	Arlene Anderson
Region III		Bill Arguto, Vicky Binetti
Region IV	Julie Roney, KY	Dan Olone
Region V	Dave McMillan, IL	Tom Poy
Region VI		Stacy Dwyer, Blake Atkins
Region VII	Shellie Grapp, IA, S. Sturgess, MO	Mary Mindrup
Region VIII	Jon Dilliard, MT	Sarah Bahrman, Lisa Kahn
Region IX	John Calkins, AZ	Corine Li
Region X	Lance Nielsen, ID	
ASDWA	Jim Taft, Bridget O'Grady, Darrell Osterhoudt	

**Welcome/Budget Issues/Priority-Setting:** Calkins welcomed everyone to the call and invited viewpoints on the final, FY 14 appropriated levels (for EPA, and, in particular, the PWSS and DWSRF grants). Binetti said that she was gratified that the final levels were as good as they were, given constrained budget times. The Region hopes to get grant funds out to their states out as soon as they can. Calkins agreed that the end result was fairly favorable, but noted that states still have issues. Arizona's state programs are funded, in general, about 85% from fees and the rest from general funds and grants; but the reverse is true for the state drinking water program, which is heavily reliant on the PWSS and DWSRF set-asides. It's troubling whenever there's uncertainty. The state is trying to establish new fees and raise existing fees; but there's a lot of "fee fatigue" on the part of stakeholder groups (i.e., resistance, from many quarters, to raising fees). He noted that EPA Regional office has been taking welcome steps to reprioritize (e.g., how to set enforcement priorities based on ETT scores). Binetti agreed and noted that her Region (as is true of most Regions) was in the throes of some of this "soul searching" in terms of priority-setting. The Agency has just offered early-outs and buy-outs to employees, with the idea of reducing the workforce; so, Regions anticipate needing to go through some transition in the months and years ahead. The target, overall, is to get down to a more manageable FTE target ceiling. The targets are handled differently, according to programs and types of jobs. In Region 3, for instance, up to 10% of the workforce might be in the category of being able to take advantage of buy-outs or early-outs. Downing noted that each Region got a quota since more people will apply than will be able to be accepted into the early-out program. In any case, Regions still have drinking water oversight authorities and they hope that those will continue to be mutually beneficial in terms of filling gaps and working synergistically with states. The ETT tool has changed the dialogue and has now become a focal point. Dwyer noted that, after the buy-outs are finished, there will be reorganization of the divisions in her Region. They will

continue to focus on non-compliance at small systems and Tribes. Calkins noted that, data accuracy issues aside, ETT is indeed a valuable focal point. States can't address everything; thus, they need to prioritize.

**State Resource Needs Report:** Taft noted that the report had been a couple of years in development and summarized the principal punchlines in the report: The "gap" between funds on hand from all sources and those needed (in 2013) was \$240 million annually, for the core program. For a "comprehensive" program, the gap was larger: \$308 million annually. He noted that the report, in addition to characterizing these bottom lines, serves (hopefully) as a valuable informational piece about the complexity of state drinking water programs and their value in protecting public health. The report has been "rolled out" to about 50 stakeholder organizations as well as the principal Congressional committees (both authorizing and appropriations).

**Regional Round-Robin:** The following Region-by-Region highlights of key issues, challenges, accomplishments were provided:

- **Region X:** *No report.*
- **Region IX:** Li noted that the Region has been investing time in drought issues. The California Governor's declaration was a call to arms and the two U.S. Senators (Boxer and Feinstein) have been particularly engaged on this topic. The Region is looking at ways of providing relief to communities. They're assessing the flexibility that EPA has to address needs. They're also working with other Federal agencies. The Region also continues to have a small system focus; particularly in Arizona and California. They're looking at what the DWSRF could do in terms of long term resiliency. The Indian Health Service is doing a comparable assessment.
- **Region VIII:** Kahn noted there have been massive floods in Colorado recently. In response, the Region has been trying to assist those communities most hard hit with assessments of needs and recovery. They've been working with a contractor working to assist a small town whose water system got wiped out. They are helping with design of the rebuild of the system to be more resilient next time. They'll be finishing up this project at end of March.
- **Region VII:** Mindrup explained that the Region has been working on thinking through the transition of its states to SDWIS Prime. The definition of "oversight" is also being examined to mean more support and technical assistance to states. They're also identifying climate adaptation changes needed -- whether it's drought or floods (they're seeing both). They're considering the following questions: what are the existing tools and what can be put in place, working with partners, such as those working in capacity development programs?

- Region VI:** Dwyer noted that the Oklahoma Department of Environmental Quality had recently secured legislative funding and thus the Region is transferring data to the state to allow them to data manage LT2/Stage2 (that the Region had been implementing, up until now, on behalf of the state). State courts, in several states, are trying to limit state environmental programs (e.g., limitations on definition of “PWS”, limitations on enforcement capabilities). They’re seeing more of this and it’s pointing up the need for education of legislators. (Sturgess noted that their state’s legislature has done some of this as well; Region 7 has been helpful in writing letters to explain that these kinds of legislative measures could endanger primacy.) The Region is also dealing with drought in three states. In that connection, they’re working with the enforcement program to acknowledge that some of new sources may not meet all MCLs. The Region is also revising the sanitary survey learner’s guide to include resiliency/preparedness.
- Region V:** Poy explained that they’ve been working with their CWA counterparts on algal toxin issues (e.g., in the western basin of Lake Erie, one community issued a do not use order). They’ve also been working, with ORD, on various nutrient-related strategies: analytical methods, treatment, and optimizing existing treatment to reduce nutrients. The Region has not historically had many sole source aquifer (SSA) petitions, but they just got three of them in. They are a way for SSA applicants to try to try to address issues such as landfill siting. And, they’re good for raising the visibility of the importance of protecting sources of drinking water. The Region has lab certification within their drinking water program and they’ve been trying to revamp and streamline that program, in light of limited resources. They’ll be coordinating with HQ and ORD-Cincinnati in that regard.
- Region IV:** Olone noted that utility resiliency is a big issue in the Region. They’ve spent a good deal of time on it and are reinvesting in it. There is also an emphasis, in the Region, on dealing with primacy package review and approval, in order to get rid of the current backlog. They’ve reviewed about 20 packages in the past two years. They’re also investing in the Area Wide Optimization Program (AWOP) for distribution system management. They’re concerned (as are all Regions and states) about the challenges of SDWIS Prime transition. As a preliminary step, it will be helpful for states to convert to the latest version of SDWIS. Bromide contamination of source waters is also a particular challenge in the Region (as it is in Region III). Finally, they plan to actively participate in the celebrations of the 40<sup>th</sup> anniversary of SDWA.
- Region III:** Binetti explained that the Region has been largely consumed by the events associated with the early January chemical spill in Charleston, WV. Part of the challenge was that the water utility impacted by the spill has little ability to store water. Another complication was that little was known about the particular chemical that was spilled (CHCM) or appropriate analytical methods. The affected population tended to show a lack of confidence in the water system and government officials. Region III has provided technical assistance, including examining water chemistry issues. There was

also recent coal ash spill in North Carolina. But fortunately, in that case, the water systems were able to overcome the challenges. What can we collectively do to enhance resiliency of water systems, including enhancing our source water protection efforts? Can we refresh and retarget our activities, in terms of preparedness and resiliency? The effects of climate extremes also factor into this mix. The Region is also focusing on climate change adaptation measures and advancing those, wherever possible. Another issue has been *Legionella*, with a focus on prevention and control challenges.

- **Region II:** Anderson seconded much of what was said by other Regions, in terms of key areas of focus. Region II staff are providing training for their states on data verification and sanitary surveys. They're also putting on Incident Command System field readiness courses. The Region and the states are also continuing to work on Superstorm Sandy recovery and disseminating the specially appropriated SRF funds. Staff realignment with "early outs" is expected to occur in the near future. SDWIS Prime is a concern in the Region, as others have mentioned. The Region is planning a WARN workshop in the near future. CWA-SDWA collaboration projects are also planned.
- **Region I:** Downing explained that source water protection collaborative efforts associated with Salmon Falls are alive and well; USDA-NRCS recently provided \$1 million for source water protection projects in the watershed. The Region is focusing on 1,4-dioxane contamination and has seen a fair amount of occurrence in some states. New Hampshire is trying to find sources and document occurrence. They're looking at some old hazardous waste sites that contain chlorinated solvents. The Region is considering a West Virginia spill type preparedness exercise and will prioritize actions relative to the Merrimack River. Climate Change remains a major area of investment and they're working with other Federal agencies in this regard.

**DWSRF Issues:** ULOs remain an ongoing challenge. Sturges explained that a small group of ASDWA DWSRF representatives had participated in recent discussions with CIFA and EPA-HQ to about a possible ULO reduction strategy. The targets discussed were liquidating all old (i.e., "legacy") ULOs within three years and liquidating new grant awards (starting with FY 14) within two years of award; but, with a caveat that some states may need up to three years. States are also concerned about implementation of Iron & Steel Buy American requirements (per the FY 14 Appropriation requirements) and looked forward to clarifying EPA guidance. Nancy Stoner's memo of January 27<sup>th</sup> laid out the basic requirements of the statute but all recognize the need for more detailed guidance on the subtleties of the new provision.

**SDWIS Prime:** Nielsen expressed appreciation for EPA's full commitment to the success of this project, but noted that states will generally not be willing to move to SDWIS Prime if it does at least do for states what SDWIS 3.2 does. States will need to see success in a test environment before moving to full blown commitment. A truism of new data systems is that, the larger the enterprise, the more prone it is to glitches. Poy noted that much needs to be done between now and the May 2015 completion date. The work, to date, on Sprint activities for tasks like inventory, is not as challenging as for rule compliance, which will shortly be examined.

**RTCR Implementation:** Fell noted that the recent 2 ½ days of webinars had been extremely helpful to states as they prepare to implement this very challenging rule.

**State-EPA Capacity Development Update:** Mathieu summarized the principal planned next steps, designed to build on the very successful national Joint Capacity Development/Operator Certification National Meeting in November 2013. EPA-OGWDW's Sustainable Systems Team proposes a multifaceted goal of nurturing existing products and strengthening core program elements as well as taking on new tasks to communicate the value of water services; finding solutions for intractable systems; enhancing water system partnerships; tracking progress; and marketing successes. Mathieu also shared state perspectives on the Agency's plans for future TA/Training national contract which involves awards of FY 13 funds (to be spent in FY 14) to NRWA, RCAP, and the Environmental Finance Center networks (with the University of North Carolina taking the lead). The main "learning" from the last round of awards is that states need to be intimately involved with targeting where and what kind of TA is offered under these grants. The training and TA offered needs to meet the states' needs, in terms of water systems most in need of help. The ETT scores are instrumental in that regard.

**Update on State-EPA CWA-SDWA Collaboration Efforts:** Binetti explained that this effort had begun, in the summer of 2012, with parallel discussions take place within EPA and among state organizations. Those conversations led to formation of an umbrella workgroup, which subsequently chartered three subgroups (WQS/303(d) listings; TMDLs/319 programs; and NPDES permits). A Toolkit (with examples of where these approaches have been effectively employed) is now ready for broader review. Next steps will involve on the ground implementation and possible conversion of the Toolkit to an online version.

**ASDWA Member Meeting (with joint sessions with ACWA, GWPC, and EPA); March 10-12, 2014:** Taft reviewed the broad outlines of the meeting plans, which will involve joint sessions on four topics, with individual topics at the other times. The Regional representative confirmed that they'll be meeting from 10 a.m. Wednesday, March 12<sup>th</sup> through Thursday, March 13<sup>th</sup>.